

REMARKS

Claims 1-16 were pending in this Application as of the Office Action of June 2, 2009. Claims 1, 8, and 11 are amended with this Response. Claim 17 is added. An RCE entering the above claim amendments is submitted herewith.

As claims 13-16 continue to not be rejected over the prior art, Applicant respectfully assumes that these claims remain allowable. Applicant respectfully thanks the Examiner for indicating this allowable subject matter. Applicant further and respectfully thanks the Examiner for issuing the Supplemental Final Office Action.

Rejections under 35 U.S.C. §112, first and second paragraph

Claims 1-16 are rejected under 35 U.S.C. §112, first and second paragraph for allegedly being non-compliant with the written description requirement and indefinite. In Response, Applicant respectfully amends claim 1.

Applicant respectfully asserts that basis for this amendment can be found at at least page 8, lines 31-36 and Figure 5 of the Specification, wherein the shutter 4 is clearly stated and shown to press against an external or outer face of the external flange 28.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 6, 8, and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,938,273 to Dubbelman (“Dubbelman” hereinafter). Applicant respectfully traverses.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant’s amended claim 1 recites, *inter alia*:

“wherein the shutter presses against and overlaps an outer face of a flange extending from each of the slides, the outer face running substantially parallel to a lateral surface of the shutter.”

Dubbelman does not teach a shutter that presses against an outer face of a flange extending from each of two slides, wherein the outer face runs substantially parallel to a lateral surface of the shutter. Instead, referring to Figures 3, 5, and 7, Dubbelman teaches a rail/flange 9 that abuts an *end* of a shutter 14 (please see the cross sectional view in Figure 3 in particular). As this flange 9 is clearly shown to lie flush against the end of the shutter 14, the face of the flange 9 that presses against the end of the shutter 14 clearly runs *perpendicular* to a lateral surface of the shutter 14. This teaching of Dubbelman is contrary to Applicant’s claim 1 requirement of an outer face (i.e. the face that presses against and overlaps with the shutter) that runs substantially parallel to a lateral surface of a shutter.

For at least these above reasons, Applicant respectfully submits that Dubbelman does not teach every element of Applicant’s claim 1, or claims 2-3, 6, 8, and 9 that depend respectfully therefrom. Therefore, it is respectfully asserts that claim 1-3, 6, 8, and 9 are not anticipated by Dubbelman.

Rejections under 35 U.S.C. §103(a)

Claims 4, 5, 7, and 10-12 have been rejected under 35 U.S.C. §103(a) as being obvious over Dubbelman in view Krafutler. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 4, 5, 7, and 10-12 depend from claim 1. As such, for at least the reasons discussed in the above 102 rejection, Applicant respectfully asserts that Dubbelman does not teach every element of Applicant's claims 4, 5, 7, and 10-12. Since Krafutler does not remedy the deficiencies of Dubbelman, Applicant further asserts that the proposed combination of Dubbelman and Krafutler does not teach every element of Applicant's claims 4, 5, 7, and 10-12. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 4, 5, 7, and 10-12 with respect to the proposed combination Dubbelman and Krafutler. Since the proposed combination of Dubbelman and Krafutler fails to teach or suggest all of the limitations of claims 4, 5, 7, and 10-12, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,
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